

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

RYAN LLC,

Plaintiff,

v.

FEDERAL TRADE COMMISSION,

Defendant.

Case No. 3:24-v-00986-E

**LEGAL SCHOLARS' UNOPPOSED MOTION FOR LEAVE TO FILE A  
BRIEF AS *AMICI CURIAE***

*Amici curiae*—eighteen professors of law and distinguished practitioners across the United States—respectfully seek leave to file the accompanying brief in support of the Federal Trade Commission (FTC) and its Non-Compete Clause Rule, 89 Fed. Reg. 38,342 (May 7, 2024) (the Rule) pursuant to Local Rule 7.2(b). This motion is unopposed.

*Amici* are professors and practitioners with unique expertise encompassing competition law, financial institutions, administrative law, consumer finance, administrative and constitutional law, modes of statutory interpretation, and the development of the major questions doctrine. *Amici* have a strong interest in resolving questions of law that go to the core of their professional expertise and scholarship, namely, the scope of the FTC's authority to enact the Rule.

“The extent to which the court permits or denies *amicus* briefing lies solely within the court's discretion.” *Texas v. United States*, No. 6:21-CV-00003, 2021 WL 2172837 (S.D.

Tex. Mar. 5, 2021) (quoting *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007)). A court may grant leave to allow *amicus* briefing if the information offered is timely and useful. *Waste Mgmt. of Pennsylvania, Inc. v. City of York*, 162 F.R.D. 34, 36 (M.D. Pa. 1995).

*Amici* respectfully submit that the Court will find their unique expertise invaluable in resolving the legal issues raised by the pending motions. The Court's acceptance and consideration of the attached brief will not cause any delay and has been filed with sufficient time for the Court and the parties to consider the merits of the arguments raised.

## CONCLUSION

For the reasons described above, *amici* respectfully ask the Court to grant leave to file the attached brief in opposition of Plaintiff's and Intervenor's Motions and in support of the FTC's rule-making authority.

Respectfully submitted,

/s/ Darren P. Nicholson

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**Counsel for *Amici Curiae***

Dated: May 31, 2024

**CERTIFICATE OF CONFERENCE**

I hereby certify that on May 30, 2024, I conferred with counsel for Plaintiff, counsel for Plaintiffs-Intervenors, and counsel for the FTC regarding the above motion. Counsel for Plaintiff, Plaintiffs-Intervenors, and the FTC consent to the relief requested.

/s/ Darren P. Nicholson

Darren P. Nicholson

**CERTIFICATE OF SERVICE**

I certify that on May 31, 2024, I electronically filed this document using the ECF System, which will send notification to the ECF counsel of record.

/s/ Darren P. Nicholson

Darren P. Nicholson